

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	96 C 1122	DATE	11/19/2001
CASE TITLE	Builders Association etc. Vs. City of Chicago etc.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Plaintiff moved to compel the City to designate deponents, the City objected, and Judge Brown granted the motion. The City appeals, and we affirm -but with some caveats. We recognize that the dates for designation and for depositions must be changed. Defendant shall designate by December 3, 2001, and the depositions shall go forward by January 4, 2002.

- (11) ☒ [For further detail see order attached to the original minute order.]

No notices required, advised in open court.		number of notices	Document Number 231
No notices required.		NOV 20 2001 date docketed	
Notices mailed by judge's staff.		IS docketing deputy initials	
Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
Mail AO 450 form.			
Copy to judge/magistrate judge.			
WAH	courtroom deputy's initials	Date/time received in central Clerk's Office 01 NOV 20 AM 8:33	

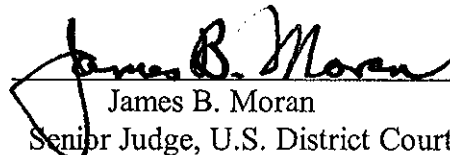
NOV 20 2001

on short notice and imposes an unreasonable burden. Plaintiff should file contention interrogatories instead. Judge Brown's November 5, 2001 compelling designation, it contends, is clearly erroneous.

We have reviewed the transcripts of the September 13, 2001, and November 5, 2001, proceedings before Judge Brown. We think the thrust of her ruling is clear. This is, she notes, a 1996 case approaching the end of discovery. It is time for the City to disclose what evidence of discrimination it has.

Plaintiff is aware of the City's contentions. Given those contentions, we assume that the City would list a significant number of persons who might know something about past practices. But what plaintiff wants to know, as we understand the positions before Judge Brown, is who, at the present time, has knowledge about past discrimination, specific knowledge that the City is likely to elicit by testimony at trial. We think the emphasis is less on an obligation by the City to fill up an empty vessel than on an obligation by the City to identify its witnesses to instances of intentional discrimination, so that plaintiff can take their depositions. And that is long overdue.

We recognize that the dates for designation and for depositions must be changed. Defendant shall designate by December 3, 2001, and the depositions shall go forward by January 4, 2002.


James B. Moran
Senior Judge, U.S. District Court

Dated: November 19, 2001.